



City of Sherwood PLANNING COMMISSION

855 N. Sherwood Blvd

Tuesday, March 4, 1997

7:00 PM

A G E N D A

1. **Call to Order/Roll Call**
2. **Approval of Minutes of February 18, 1997**
3. **Community Comments:** *Community comments are limited to items NOT on the printed agenda.*
4. **Consent Agenda - No applications scheduled.**
5. **Public Hearings:** (Hearing Disclosure Statement. Also, declare conflict of interest, ex-parte contact, or personal bias)
 - A. **CUP 97-1/SP 97-1 Nextel:** (continued from February 18, 1997) a request by Nextel Communications for a Conditional Use Permit and Site Plan to install an unmanned radio telecommunications facility consisting of a 150-foot lattice tower and an 11 ft x 20 ft concrete shelter enclosed in a 40 ft x 40 ft fenced area at 20475 SW Cipole Rd, a portion of Tax Lot 601, Map 2S 1 28A.
 - B. **MLP 96-8/SUB 96-7 Seely Estates:** (continued from February 18, 1997, public hearing record open) a request by Beacon Homes for a minor land partition to divide an existing 12.99 acre parcel into two lots, and preliminary plat approval for a 32-lot subdivision, located adjacent to and east of Seely Lane, north and adjacent to Scholls-Sherwood Rd, north of Highway 99W. Tax Lot 2200, Map 2S 1 30A.
 - C. **PA 97-3 Plan Map Amendment: (Withdrawn by City)** City-initiated to rezone Tax Lot 1000, Map 2S 1 33CB from Very Low Density Residential (VLDR) to Low Density Residential (LDR). Parcel located adjacent to, and a part of, Sherwood View Estates PUD.
 - D. **PUD 92-1 Sherwood View Estates Changes:** a request by J.C. Reeves for modifications to the approved Final Development Plan. This involves the reconfiguration of a portion of the previously approved PUD to allow connections to the newly proposed 8-lot subdivision. Tax Lot 1800, Map 2S 1 33.
 - E. **SUB 97-1 Sherwood View Estates Expansion Preliminary Plat:** A request by J.C. Reeves for preliminary plat approval of an 8-lot single family subdivision located east of SW Murdock Road. Tax Lot 1000, Map 2S 1 33CB.

OVER →

F. PA 97-4 Plan Text Amendment - Section 2.305.05 Decks: (continued from February 18, 1997) an amendment to allow uncovered decks which are 30 inches or lower to encroach into the required rear yard setback up to 5 feet from the property line. If the ground slopes away from the edge of the deck, the deck height shall be measured at a point 5 feet away from the edge of the deck.

6. Other Business

A. Discussion/Approval: Letter from Planning Commission to City Council regarding PUD 93-3 Woodhaven Changes to Final Development Plan and Conditions of Approval

7. Adjourn

ITEMS NOT COMPLETED BY 11:00 PM WILL BE CONTINUED
TO THE NEXT REGULARLY SCHEDULED MEETING

APPROVED MINUTES

City of Sherwood, Oregon
Planning Commission Minutes
March 4, 1997

1. Call to Order/Roll Call

Chairman Whiteman called the meeting to order at 7:00 PM.

Commission Members present:

Allen Baker
George Bechtold
Susan Claus (7:10 PM)
Rick Hohnbaum
Bill Whiteman

Staff:

Sue Engels, Development Director
Greg Turner, City Planner
Jason Tuck, Assistant Planner
Roxanne Gibbons, Recording Secretary

Commission Members absent:

Chris Corrado
Angela Weeks

2. Minutes of February 18, 1997 Commission Meeting

Chairman Whiteman asked if there were any corrections, additions or deletions to the minutes of February 18, 1997. There were no comments.

George Bechtold moved the Planning Commission accept the February 18, 1997, Planning Commission meeting minutes as presented. Seconded by Allen Baker.

Vote for Passage of Motion: 3-Yes, 1-No (Hohnbaum), 0-Abstain

3. Community Comments

Chairman Whiteman called for comments from the audience regarding any items not on the printed agenda. There were no community comments.

4. Consent Agenda

There were no land use applications scheduled.

Rick Hohnbaum stated that the Woodhaven letter from the Planning Commission should be moved from Other Business because it is really unfinished business. The Commission concurred with this request.

5. Public Hearings

Chairman Whiteman read the hearings disclosure statement and requested that Commission members reveal any conflict of interest, ex-parte contact or bias regarding any issues on the agenda.

There were no Commissioner disclosures.

5A. CUP 97-1/SP 97-1 Nextel (continued from February 18, 1997)

Chairman Whiteman called for the Staff Report. Greg Turner referred the Commission to the Staff Report dated January 21, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He presented slides of the site and noted:

- Nextel Communications is requesting approval to install an unmanned wireless communications facility at 20475 SW Cipole Road, Tax Lot 601, Map 2S 1 28A. The facility would consist of a 155 ft high lattice tower with mounting brackets and three omni whip antennas which will reach an overall height of 171 feet.
- The applicant is proposing an 11 ft x 20 ft concrete shelter. The antenna and shelter will be located within a 40 ft x 40 ft chain link fenced enclosure area.
- The site is located at the back of the Shurgard Storage facility.
- The site is zoned General Industrial (GI) and the proposed wireless communications facility requires a conditional use permit in this zone.
- The application meets the findings for site plan approval and conditional use permit findings.
- ODOT has recommended mounting a dual flashing, red obstruction light atop the structure. This should be made a condition of approval.
- The applicant has demonstrated that the proposed facility cannot be located in an Institutional/Public (IP) zone due to the coverage needs of the applicant.
- The proposed facility is designed to accommodate co-location of one or more users.
- The proposed height of the tower is required in order for radio signals to reach and connect with other Nextel facilities in a direct line of sight.
- The proposed tower is not located within 1000 feet of an existing wireless facility.
- The proposed facility exceeds the minimum distance of 300 feet from residentially zoned property.

In conclusion, Staff recommends approval of SP 97-1 and CUP 97-1 with the conditions contained in the Staff Report and memo regarding ODOT comments.

In response to Mr. Hohnbaum's question, Greg Turner said this application meets the criteria for review by the Commission in lieu of meeting the requirements for administrative review by Staff.

Chairman Whiteman opened the public hearing on SP 97-1/CUP 97-1 Nextel Communications and asked if the applicant wished to provide testimony.

Fred Benthin, D. Garvey Corporation, project managers for Nextel Communications, 1700 Westlake Avenue, North, Suite 420, Seattle, Washington 98109, addressed the Commission. Mr. Benthin noted:

- Nextel Communications is a wireless communications company which has an integrated handset called an enhanced specialized mobile radio which is a mobile phone, two-way communication pager and voice messaging. They cater to a large degree to businesses as well as consumers.
- The applicant concurs with the Staff Report and appreciates the way Staff has handled the application.
- They had a concern with Condition 1A, providing a sanitary sewer easement for the sewer line on the south property line of the site, if one is not already existing. They want to comply

with the intent of this condition. There is a sanitary sewer easement on the corner of the 40 ft x 40 ft area. However, the sewer line actually runs roughly along the property line in an east-west direction.

- The applicant proposes to take the shape of the site plan and notch around the known sanitary sewer easement when building the fence. By doing this, the City would have direct access without going through fences and gates to the sewer line. Therefore, Condition #2 referencing access gates would not be necessary and he recommended removing Condition 1A.
- The sanitary sewer easement was not shown on the title report. The title report shows an existing sewer easement 7-1/2 feet wide and 20 feet long in the corner of the property. However, after discussing this with Staff, it was determined that the sewer line runs the length of the south property line. The owner has given authorization for this sewer line easement, but the City did not complete an easement document for this purpose.
- The applicant is a tenant on-site. They would not be using the sewer line and they would not impact this area.

The Commission agreed Condition 1A should remain a condition and that the City should complete the easement documents for the sewer line.

Mr. Benthin said the applicant would like some assurance that, if the application was approved tonight, they could get building permits and begin construction at the site, prior to having a signed easement agreement. Typically, there would be a 14-21 day build for this type of project where a residence would take 90 days.

Chairman Whiteman said there should be no problem obtaining building permits as long as the easement document preparation and execution are in process. Jason Tuck said he did not see anything in the application or conditions which would cause a delay in the issuance of the building permits. Staff was directed to prepare and complete the easement document for the sewer line.

George Bechtold asked Staff if the location of the stormwater swales had been verified. Jason Tuck said the City engineering staff believed there may have been a stormwater swale on the property, but this had not been verified. Mr. Benthin said there is a deep swale on the west side of the property line. The site is basically gravel and the applicant would be adding about 260 sq feet which is a minor amount. The Commission suggested adding verbiage to Condition 1C to verify any stormwater swales.

Chairman Whiteman asked if there was anyone else who wished to speak in favor of the application. There was no further proponent testimony. Chairman Whiteman asked if there was anyone who wished to speak in opposition to the application. There being none, the rebuttal portion of the hearing was dispensed with and Chairman Whiteman closed the public hearing on SP 97-1/CUP 97-1 Nextel for discussion by the Commission.

There was no further discussion by the Commission.

Susan Claus moved the Planning Commission approve SP 97-1/CUP 97-1 Nextel Communications, based on findings of fact, Staff Report, public testimony and conditions as amended. Seconded by Rick Hohnbaum.

Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain

SP 97-1/CUP 97-1 Nextel Communications was approved subject to the following conditions:

1. Provide engineered construction plans to the City and all applicable agencies for public and private improvements including costs, maintenance and bonding provisions in compliance with City, USA, WCDLUT and TVFRD standards. The plans shall include provisions for streets, street trees, on-site sidewalks, sanitary sewer, water, fire protection, storm water runoff, erosion control, grading, site lighting, landscaping and signage.

In particular:

- A. Provide a sanitary sewer easement for the sanitary sewer line on the south property line of the site, if one is not already existing. Verify the location of any storm water swale easements.
 - B. Provide access to the site which meets the Fire Department's approval.
 - C. Ensure that the sanitary sewer and any stormwater swale will not be affected by the proposed improvements.
2. Mount a dual flashing, L864, red obstruction light atop the structure IAW FAA AC 70/7460, Chapters 4, 5, and 13, per ODOT Aeronautics Department comments.
 3. The proposed wireless communication facility shall be removed by the facility owner within six (6) months of the facility ceasing to be operational. A one-time extension not to exceed six (6) months may be granted by the City as long as the facility is maintained.
 4. The proposed wireless communication facility shall be removed within seven (7) calendar days of notification by the City if the facility falls into disrepair. A one-time extension not to exceed seven (7) days may be granted by the City for repairs.

This approval is valid for one (1) year.

5B. MLP 96-8/SUB 96-7 Seely Estates (continued from February 18, 1997)

Chairman Whiteman announced Staff is recommending that this application be continued. Greg Turner reported the Planning Commission heard this application at the February 18, 1997 Commission meeting. The Commission directed Staff to contact the US Fish & Wildlife Service (USF&W) regarding the water quality, water quantity and flow questions. Staff met with USF&W representatives. After looking at the plans, the USF&W thought at least four of the lots were encroaching into the wetlands area.

Mr. Turner said Staff is recommending that this application be continued until some resolution can be reached regarding the possible wetlands encroachment. USF&W also commented the tree survey done by the applicant may not be adequate. This would need to be addressed. Staff thought these concerns could be addressed and the results could be available for the March 18, 1997 Commission meeting.

Allen Baker said he would like to see a condition to place a fence on the west property line, which the applicant seemed to be agreeable to at the last meeting.

George Bechtold asked if the water detention pond monitoring could be addressed. Jason Tuck stated Staff discussed this with John McGinity, Sherwood High School. Mr. McGinity has talked with USA and they are working on a schedule for testing of the pond.

The Commission was prepared to make a motion and Mr. Kusyk asked for a point of order that if this application was to be taken off of the agenda, they should have been so advised. He said he was advised by Staff that they were thinking about taking the application off of the agenda. Greg Turner said he advised Mr. Kusyk that Staff was going to recommend a continuance of this application.

Chairman Whiteman asked if the applicant wished to provide further testimony.

Peter Kusyk, President, Beacon Homes, 9500 SW 125th Avenue, Beaverton, Oregon 97005, addressed the Commission. Mr. Kusyk noted:

- He thought the information was in the packet provided to the Commission. They did a wetlands delineation on both parcels.
- They met with the USF&W representatives today regarding their concerns. The USF&W's concern is not the wetlands, they are talking about the uplands area.
- When the Commission meeting ended on February 18, 1997, there were two concerns. The Conzelmans were concerned that the drainage area down to the bottom land for farming and grazing would not be affected by this development. The applicant was to research whether there was an agreement for maintenance of the ditch by the neighboring property owners because this had not shown up in the title report and to talk to the USF&W regarding the water quality/quantity impact on the wetlands.
- The applicant found the agreement document which was written in 1904 and recorded in 1914. The Conzelmans provided a copy to the applicant which they were able to verify. Where the Conzelmans have their property now was not the piece of property which was referred to in the document. The Jurgenson's initiated this agreement and the property the applicant has now is a part of that. However, it has since been divided. The applicant has resolved the title issue and agreement. The Conzelmans and the applicant have worked out the water discharge issue and the impact the development could have on their property. Mrs. Conzelman was in attendance to verify this. The applicant had not yet advised Staff of this resolution.
- The applicant met with USF&W representatives today. They walked the area with the USF&W. What is on this property and what the USF&W is talking about is not a wetland area. He referenced the Shapiro document identifying Parcel 1 and Parcel 2. There is a portion of the one parcel where the water detention facility has a slope which goes on down

to the wetland area. There are some trees and ferns in this slope area. The Shapiro report states there is no wetland area on this portion.

- The USF&W idea of how the applicant could mitigate the detention area would be contrary to USA standards. While they have some ideas they aren't in the general realm of what the applicant has found to be accepted practices in mitigating or storm detention. If Shapiro were to do another report the results would be the same.
- He said there was no reason to continue the hearing since the issues seemed to be resolved.
- He is out of lots and continuing the application would cause a hardship on him. Also, the questions have been answered regarding the USF&W.

The Commission agreed that Staff needed to verify the information provided by Mr. Kusyk. This would include any documentation from the USF&W. Mr. Bechtold said it is the Commission's obligation to hear the testimony and debate the issues, not debate with the applicant about his testimony. Mr. Turner said it appears that the USF&W has told Staff one thing and the applicant another thing. Staff and the applicant should meet to resolve these issues.

Chairman Whiteman asked if there was anyone else who wished to testify. There were no other testifiers present.

Susan Claus moved the Planning Commission continue SUB 96-7/MLP 96-8 Seely Estates to the March 18, 1997 Commission meeting. Seconded by Allen Baker. The public hearing record will remain open.

Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain

5C. PA 97-3 Plan Map Amendment

Chairman Whiteman advised that Staff has recommended this City-initiated plan map amendment be withdrawn. The Commission accepted withdrawal of PA 97-3 Plan Map Amendment.

5D/5E. PUD 92-1 Sherwood View Estates Changes/SUB 97-1 Sherwood View Estates Expansion

Chairman Whiteman announced the applicant is requesting a continuance of Agenda Items 5D and 5E. Greg Turner reported the applicant has requested a continuance of the application in a letter dated February 28, 1997 from Consulting Engineering Services. There were two other letters from representatives of neighboring property owners. He referred to a letter dated March 4, 1997, from Larry Epstein representing Paula and Dennis Yuzon, property owners of 10-acre parcel abutting north edge of the proposed expansion of the Sherwood View Estates PUD, and a letter dated February 28, 1997, from Jeffrey L. Kleinman representing Steven E. Taylor, property owner adjoining Lots 1 through 4 of SUB 97-1 Sherwood View Estates Expansion Preliminary Plat. Copies of this correspondence was provided to the Commission.

Mr. Hohnbaum asked for clarification regarding the application file numbers referred to in the letters. Staff verified the letters referred to PUD 92-1 Sherwood View Estates and SUB 97-1 Sherwood View Estates Expansion Preliminary Plat. Both applications are contingent upon one another. Staff is recommending, per the applicant's request, continuation of both of these agenda items. The applicant did not state a date specific for the continuation.

Staff advised the Commission at this time there are four land use applications scheduled for the March 18, 1997 Commission meeting.

Chairman Whiteman advised Mr. Epstein he could make comments regarding the continuance of these agenda items only, but it would not be a part of the public hearing because the applicant was not in attendance.

Larry Epstein, 722 SW 2nd Avenue, Suite 400, Portland, Oregon 97204, addressed the Commission. Mr. Epstein referred to his letter of March 4, 1997. He clarified that his letter should have referred to PUD 92-1 and SUB 97-1. He would not be able to be in attendance on March 18, 1997. The issue is very important to his clients, who own property adjacent to the development. They believe they can work with the applicant and City Staff to resolve issues. He would like to be in attendance when the application is heard so that he could represent his clients. He is prepared to come to a special meeting and would prefer the April 1, 1997 Commission meeting.

Mr. Hohnbaum stated that being familiar with the past process of this particular application, he would be willing to bet it would take more than one meeting to review the application. He suggested in view of the fact he would have only one more meeting before the end of his term and a newly appointed Commission member would be taking his place, he recommended the Commission continue these two agenda items to the April 1, 1997 Commission meeting. Susan Claus said she agreed with this recommendation.

Susan Claus moved, based on the applicant's request, the Planning Commission continue PUD 92-1 Sherwood View Estates Changes and SUB 97-1 Sherwood View Estates Expansion Preliminary Plat to the April 1, 1997 Planning Commission meeting. Seconded by Rick Hohnbaum.

Vote for Passage of Motion: 5-Yes, 0-No, 0-Abstain

6A. PUD 93-3 Woodhaven Final Development Plan letter from Planning Commission

Chairman Whiteman referred the Commission to a draft letter for presentation to the City Council. The purpose of the letter is to address concerns of the Commission regarding the application. Susan Claus said there are two main issues:

- The Planning Commission needs to identify a location for the collector street to Meinecke. This location should be built next to the eastern boundary of the Salisbury property on the western part of the property that the city is to be receiving as park land. The current condition identifies two options for the road, one on either side of the Salisbury property.
- The Planning Commission needs to address the phasing for Woodhaven and provide a recommendation. The phasing should be switched: Phases 6a, 6b and 6c become 7a, 7b and 7c. Phases 7a, and 7b become 6a and 6b. This phasing plan would require dealing with the Meinecke Road connection prior to build-out toward Villa Road.

Chairman Whiteman stated that two weeks ago the Commission set up a subcommittee to talk about these issues. Mr. Whiteman, Susan Claus and Angela Weeks made up this subcommittee. This letter reflects some of the things discussed by the subcommittee and concerns of the

Commission. He asked for comments from the Commission regarding the contents of the proposed letter to the Council.

Mr. Baker said he was not totally convinced that the road should be on that side of the park. He could see it going between the High School and the proposed park. Susan Claus said the school already has an access which is private and she identified the area on the map. Mr. Baker said he spoke briefly with Jon Bormet. One of Mr. Bormet's comments was the high school is running out of room and will need to find additional land for expansion. The school district might consider the proposed park land for their use and the City could find park land at some other location or possibly obtain some of the Salisbury property. There are a lot of unknowns at this point in time.

Chairman Whiteman said this is one of the problems with the whole thing, what are the agendas. The Commission does not know the agendas and no one is talking to them.

Susan Claus said the letter did not have to be presented to the Council as a consensus from the Commissioners. The Commission could go into a long discussion about the merits of this PUD, turning some of the open space areas into a park land and then after the PUD was predicated upon the fact that this would be park land and then may be taken over by the school, she felt there would be some fairly heated discussion about this issue. They are sitting with 270 acres that are combining little parks to say they want just one big park. If this proposed park is approved and there is a certain amount of open space, now they are hearing this may be dealt off to the high school. She did not know how receptive most people would be to this idea, especially when the school put an entertainment center on the high school which was really not necessary. The school district has a history of doing pretty much what they want and everything else is secondary. If the school district is interested in this proposed park land and if this is true, her reaction is the Commission would need to look at Woodhaven again. The PUD was put together supposedly to have all of the open space and park benefits which she thought was a pretty good idea to consolidate it into one park area. It is a little disconcerting to hear now the City may deal this space to the high school.

Chairman Whiteman said the City would first have to find out if the Salisbury property was for sale if it was interested in it for park land. Rick Hohnbaum said he asked Staff specifically if the high school had been contacted about the potential park being located next to them because he had concern about some of the activities which might happen at this park. Staff specifically told him that the high school or school district had not been contacted regarding this proposal.

George Bechtold said he supported Susan Claus's position. It is always better to do things sooner than later. The argument that we will get to it in Phase 7 is really nice, if we get to Phase 7 for example, but it is still such a large project that it should be dealt with and it should be dealt with as a unit. You can break it up into pieces, but what happens in the beginning affects what will happen in the end. The Commission needs to deal with issues and not put them off to a future date. Let's deal with it now so that it does not keep coming back to the Commission.

Chairman Whiteman said it was inferred to him the same way it was inferred to Allen, and they can't seem to get it out on the decks. His suggestion was, this property may be there for some other purpose, let's just say other property or other uses and deal with it that way. He supported

Susan Claus and the letter. If the City negotiates with Woodhaven to purchase the property, whether a designated street is put through there now or later, the City ends up paying for the property which would become a street. Lines on a map have a tendency to somehow become permanent. It is important that the Council be aware of the Commission's concerns at this time.

Mr. Bechtold said it is always a charge of the Commission in any subdivision to provide the traffic circulation which is safe and usable. Chairman Whiteman referred to the public testimony that there did not seem to be any "back door" out of the Woodhaven project.

Susan Claus said Allen's idea of providing fencing for the proposed park at the expense of the developer would be appropriate. Chairman Whiteman said the Parks Board should come back to the Commission with a recommendation regarding the proposed neighborhood park.

The Commission discussed the portion of the letter regarding the Woodhaven phasing. The letter recommended Phases 6a, 6b and 6c become 7a, 7b and 7c. Phases 7a and 7b would become 6a and 6b. The applicant plans to submit Phase 4 next which includes 4a, 42 lots, Phase 4b, 43 lots. The Commission reviewed the Woodhaven phasing map.

Susan Claus said the City's Transportation Plan is a separate process from the Woodhaven PUD. The Parks Board review would probably not be such a lengthy process.

Chairman Whiteman asked Staff if the proposal to switch the numbering for phases 7 and phases 6 would require another public hearing. Sue Engels responded the Council would review the recommendation as a whole. The Planning Commission is making a recommendation to the Council.

Rick Hohnbaum said it was his understanding that the Commission was going to ask for an updated traffic study to determine the amount of financial responsibility for the Meinecke Road connection. The Commission discussed the appropriate verbiage for adding this as a condition to the letter to the Council. The following recommendation was made:

- A comprehensive traffic impact study of Meinecke Road and Highway 99W by a contractor to be designated by the City at the applicant's expense, using current data, considering alignment, YMCA development, residential development, and other relative factors to determine zone of benefit, and financial responsibility allocation.

Mr. Baker asked if the applicant could go back to the original conditions of approval if they did not want to switch Phases 6 and Phases 7 numbering. Susan Claus said there have been so many substantial changes to the PUD, she felt the applicant would need to come back on another basis anyway. What was approved in 1993 is definitely not what is taking place, including the YMCA site. When you approve a PUD, it is one unit with phases. The YMCA site has been pulled from this unit and something has to be done. The applicant cannot continue with the next phase without something being done to deal with the YMCA site. The applicant has an appeal process if they do not agree with some of the conditions of approval.

Chairman Whiteman said the Commissioners should not feel bad if they cannot individually endorse the letter. He plans to present the letter at the March 11, 1997 Council meeting. The

Planning Commission is making a recommendation to the Council. It is time that they are right up front with the Council to let them know where the Commission stands.

Allen Baker said he did not have any problems with renumbering the phases. Chairman Whiteman said the Council can hear the whole application and make their own conclusions or they can agree with the recommendations of the Commission. However, the Council will need to deal with the zone change for the YMCA site which is within the Woodhaven PUD.

George Bechtold said the Commission needs to think about what happens when the road is punched through to Meinecke Road. Right now the only way out of Woodhaven is on Sunset Boulevard. The traffic counts on Meinecke Road will increase and the probability of a traffic signal at the Meinecke Road/Highway 99W will be warranted. It is important to visually show the community what the road punched through to Meinecke will look like. The Commission has an opportunity to point some of these things out to the Council.

There being no further discussion:

Rick Hohnbaum moved the Planning Commission send the following letter to the Council regarding PUD 93-3 Woodhaven Final Development Plan Changes. Seconded by Susan Claus.

Vote for Passage of Motion: 4-Yes, 0-No, 1-Abstain (Bechtold)

For consideration by the City Council in the matter regarding Woodhaven PUD 93-3:

The members of **the Planning Commission strongly recommend that the collector street to Meinecke be built next to the eastern boundary of the Salisbury property on the western part of the property that the city is to be receiving as parkland.** This option has many advantages:

- Woodhaven already owns the entire property as a unit without separate parcels and would build the road as part of its PUD development. We do not have to wait for other landowners' property to develop.
- It meets the intent of the 1991 Transportation Plan for a collector bisecting the "Woodhaven" district and will not commit a gross violation of our Transportation Plan.
- It would be less costly: Woodhaven PUD already owns the land and would have to pay for the road improvements. There are no condemnation proceedings or road purchases required by the City.
- It provides a "mid-Meinecke Road" connection to the downtown district and high school.
- It provides access to the parkland from both directions of Woodhaven and for citizens using Meinecke Road.
- It would allow the proposed parkland to "fully develop" with adequate vehicular access for both Woodhaven residents and other residents in the City as is referred to by Sherwood's general plan.

There are several arguments against the alternate collector alignment which is proposed to generally run next to the western boundary of the Salisbury property:

- There are at least two separate parcels that would be required to develop before the road could be punched through unless the City of Sherwood uses eminent domain proceedings.
- Both of those separate properties have Highway 99W frontage and are commercially zoned or likely to be commercially zoned.
- The collector status of the road is somewhat defeated by having the northern outlet for the entire "Woodhaven district" accessed so close to 9W and the bend of Meinecke road and is a major change to the transportation plan without the required public hearings.
- The land which would be required to build this alignment may have to be purchased or credited to the eventual developers: a road in the back of their developments is likely of little primary benefit to those parcels.

- Parenthetically: In regard to the frontage road discussions that have recently surfaced for the commercial properties along 99W, having another collector road almost on top of a frontage road does not make good vehicular circulation for the entire district.

Change the Phasing for Woodhaven

Currently, the applicant prefers to develop the lots (Phase 6a,b,c) near the Villa Road pedestrian connection before developing the lots (Phase 7ab) at the northern boundaries of the Woodhaven project. **The Planning Commission strongly recommends that the phasing be switched: Phases 6a, 6b, and 6c become 7a, 7b, and 7c. Phases 7a and 7b become 6a and 6b.**

Given the fact that the City is attempting to have a substantial park along Meinecke Road and that the YMCA is on the fast track for development, and that we are trying to continually enhance the Old Town area as an historic area that is a downtown center, it is more beneficial that the Meinecke Road connection be made before the Villa Road area is developed out. The reasons are several:

- No one knows how much longer this building cycle will last. If we miss the connection to Meinecke Road in this building cycle, we could be waiting several years for an eventual connection while the Sherwood tax base is negatively impacted. Woodhaven residents are encouraged by our lack of road infrastructure to shop outside of Sherwood.
- If the Council accepts a Meinecke Road connection along the western boundary of the parkland, then the collector road infrastructure should be built out as soon as possible to fully access the parkland and complete the road infrastructure. The parkland and open space areas in Woodhaven are one of the main reasons that the development was allowed to have a Planned Unit Development designation for their project.
- Providing adequate vehicular circulation to the YMCA is beneficial allowing residents to have the planned collector access from Meinecke Road without using Highway 99w or busy Sunset Boulevard. It also provides this access sooner in line with the YMCA development.
- The Meinecke intersection problems would need to be addressed and solved by ODOT, the citizens and the City. This is also a critical factor in continuing to support both the high school's (and school entertainment center) traffic pattern and to promote the historic Old Town town center.

Meinecke Road/Highway 99W Intersection Traffic Study

A comprehensive traffic impact study of Meinecke Road and Highway 99W by a contractor to be designated by the City at the applicant's expense, using current data, considering alignment, YMCA development, residential development, and other relative factors to determine zone of benefit, and financial responsibility allocation.

5F. PA 97-4 Plan Text Amendment - Section 2.305.05 Decks (Continued from February 18, 1997)

Chairman Whiteman called for the Staff Report. Jason Tuck referred the Commission to the Staff Report dated February 18, 1997, a complete copy of which is contained in the Planning Commission's minutes book. He noted:

- As directed by the Commission, Staff prepared code language regarding the encroachment of decks into rear yard setbacks in residential areas.
- Staff contacted other cities regarding their requirements for decks.
- The proposed text amendment would allow the encroachment of a deck into the rear yard setback as long as the decks does not exceed 30 inches in height as measured five feet out from the edge of the deck. The encroachment of a deck may extend to within five feet of the rear property line.

- The height of 30 inches is primarily based on the Uniform Building Code which does not require a building permit for decks which are 30 inches above grade or less. The required measurement of the height five feet from the edge of the deck would take into account hillside sites where the sites slopes away from the dwelling.
- The proposed amendment is consistent with the intent of the Comprehensive Plan and the Code and with applicable State or City statutes and regulations.

In conclusion, based upon the findings of fact, Staff recommends approval the PA 97-4 Plan Text Amendment to Section 2.305.05 Decks of the Development Code.

Chairman Whiteman opened the public hearing on PA 97-4 and asked if there was anyone who wished to speak in favor or opposition to the application. There was no proponent or opponent testimony. The rebuttal portion of the hearing was dispensed with and Chairman Whiteman closed the public hearing on PA 97-4 for discussion by the Commission.

Rick Hohnbaum said his back yard has become so flooded that it is necessary to build a deck to make use of the back yard. He asked for clarification regarding how far from his property line he could build the deck. Sue Engels said the Code is very specific in this regard. You may put a concrete patio up to the edge of your property line. This code amendment will allow a deck up to 30 inches in height to extend not more than 5 feet from the property line.

Susan Claus moved the Planning Commission recommend to the City Council approval of PA 97-4 Plan Text Amendment, Decks based on findings of fact, the Staff Report and Commission discussion, subject to the language presented in the Staff Report. Seconded by Allen Baker.

Vote for Passage of Motion: 4-Yes, 1-No (Hohnbaum), 0-Abstain

The following Plan Text Amendment was recommended to the Council for adoption:

Add Code Section 2.305.05 Decks to read, "Uncovered decks which are no more than 30 inches above grade may project into the required rear yard, but shall not be closer than five feet from the property line. If the ground slopes away from the edge of the deck, the deck height shall be measured at a point five feet away from the edge of the deck. Decks shall not be allowed in the required front or side yards.

6. Other Business

Chairman Whiteman announced the Commission will elect a Chair and Vice-Chair at their first meeting in April. It was the consensus of the Commission that these positions be elected annually. Bill Whiteman has been re-appointed to a four-year term on the Commission and Scott Franklin has been appointed to a four-year term on the Commission replacing Rick Hohnbaum, whose term expired in 1997.

Sue Engels announced that Allen Baker, George Bechtold and Commissioner-elect Scott Franklin will be attending the Planning Training Seminar to be held March 29, 1997. Registration forms were distributed to the Commission.

Sue Engels reported that the City received notice from the Department of Land Conservation and Development that the periodic review has been accepted by the State. The next review process for Sherwood will be scheduled in the next 4-10 years.

There being no further business to discuss, the meeting was adjourned at 9:40 PM.

Respectfully submitted,

Planning Department